



North Dakota Department of Health HIPAA Policy

Policy Title:	Limited Data Sets/Data Use Agreements	
Policy Number:	P-011	Version: 1.4 Updated January 6, 2004
Reference:	45 CFR 164.514(e)	
Applicability:	Department of Health	
Approved By:	Dr. Terry Dwelle, State Health Officer Arvy Smith, Deputy State Health Officer Darleen Bartz, HIPAA Coordinator, Privacy Officer	
Effective Date:	April 14, 2003	Policy Repealed Effective January 31, 2004

Policy:

The NDDoH may use or disclose protected health information (PHI) for research, public health or health care operations without the written authorization of the individual as specified in the following procedure.

Exceptions:

None

Procedure:

- The NDDoH may use or disclose a limited data set if the NDDoH enters into a data use agreement with the limited data set recipient.
- A limited data set is PHI that excludes the following direct identifiers of the individual or of relatives, employers or household members of the individual:
 - Names
 - Postal address information, other than town or city, State and zip code
 - Telephone numbers
 - Fax numbers
 - Electronic mail addresses
 - Social security numbers
 - Medical record numbers
 - Health plan beneficiary numbers
 - Account numbers
 - Certificate/license numbers
 - Vehicle identifiers and serial numbers, including license plate numbers
 - Device identifiers and serial numbers
 - Web Universal Resource Locators (URLs)
 - Internet Protocol (IP) address numbers
 - Biometric identifiers, including finger and voice prints

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- Full face photographic images and any comparable images
- The NDDoH may use or disclose a limited data set only if the NDDoH obtains satisfactory assurance, in the form of a data use agreement, that the limited data set recipient will only use or disclose the PHI for limited purposes.
- A data use agreement between the NDDoH and the limited data set recipient must:
 - Establish the permitted uses and disclosures of the information by the limited data set recipient. The data use agreement may not authorize the limited data set recipient to use or further disclose the information in a manner that would violate these requirements;
 - Establish who is permitted to use or receive the limited data set;
 - Provide that the limited data set recipient will:
 - Not use or further disclose the information other than as permitted by the data use agreement or as otherwise required by law;
 - Use appropriate safeguards to prevent use or disclosure of the information other than as provided for by the data use agreement;
 - Report to the NDDoH any use or disclosure of which it becomes aware not provided for by its data use agreement;
 - Ensure that any agents to whom it provides the limited data set agrees to the same restrictions and conditions that apply to the limited data set recipient with respect to this information;
 - Not identify the information or contact the individuals.
 - Be signed and dated by the Requestor, the Custodian of the files/NDDoH Program Representative, and the NDDoH Privacy Officer.
- All requests for data which require a Data Use Agreement are to be sent to the NDDoH HIPAA Coordinator.
- The proposed Data Use Agreement will be returned to the requestor for review. The requestor must sign and date the Agreement and return to the NDDoH HIPAA Coordinator.
- The appropriate NDDoH Program Representative will be requested to review the Data Use Agreement, sign and date.
- The NDDoH HIPAA Coordinator will review the completed Data Use Agreement, sign and date.
- A Data Use Agreement number will be assigned to the Data Use Agreement when the Agreement has been finalized and all appropriate signatures have been obtained.
- A copy of the signed Data Use Agreement will be given to the requestor and the appropriate NDDoH Division. A copy will also be maintained by the HIPAA Coordinator. The signed

original will be forwarded by the HIPAA Coordinator to the NDDoH Administrative Services Section. The original will be maintained by the NDDoH Administrative Services Section in a secure file.

- Documentation of the information released (actual copies, database fields, etc.) is to be retained by the appropriate NDDoH Division.
- For Limited Data Sets used for research purposes, the NDDoH will follow the procedures outlined in the policy titled Uses and Disclosures for Research Activities (P-023).
- For use of Data Use Agreements for research on decedents, the NDDoH will follow the procedures outlined in the policy titled Uses and Disclosures for Research Activities (P-023).
- If NDDoH knows of a pattern of activity or practice of the limited data set recipient that constitutes a breach or violation of the data use agreement, NDDoH will take reasonable steps to end the breach or violation or the NDDoH will discontinue disclosure of protected health information to the recipient and report the problem to the Secretary of the Department of Health and Human Services (DHHS).
- A Data Use Agreement may also be used in other situations as deemed necessary by the NDDoH HIPAA Coordinator.

Related Forms:

Agreement for Disclosure of DOH Protected [Individually Identifiable] Health Information

Definitions:

NDDoH – North Dakota Department of Health

Protected Health Information – Individually identifiable health information that is transmitted or maintained by electronic media or transmitted or maintained in any other form or medium

Individually Identifiable Health Information – Health information which includes demographic information that relates to the past, present or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present or future payment for the provision of health care to an individual and that identifies the individual or there is a reasonable basis to believe the information can be used to identify the individual

Electronic Media – Electronic storage media including memory devices in computers and any removable/transportable digital memory medium such as magnetic tape or skid, optical disk or digital memory card; or transmission media used to exchange information already in electronic storage media. Transmission media includes the internet, extranet, leased lines, dial-up lines, private networks and the physical movement of removable/transportable electronic storage media